IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 1024 of 2007()

CRIME NO.29/97 OF PAYANGADI POLICE STATION

PETITIONER

PALLITHARAMMAL MUKKALIKKAL SHERIEF,
S/O.ABDUL RAHIMAN HAJI, AGED 32 YEARS,
P.M. HOUSE, P.O. MADAYI,
KANNUR TALUK.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

STATE OF KERALA,
REPRESENTING THE STATION HOUSE OFFICER,
PAYANGADI POLICE STATION,
KANNUR DISTRICT,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15.02.2007, THE COURT ON 15/02/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1024 OF 2007

Dated this the 15th day of February, 2007

O R D E R

The petitioner, who is the 3rd accused in Crime No.29/1997 of Payangadi Police Station for offences punishable under Sections 143, 147, 148 and 427 read with section 149 I.P.C. and section 3(2)(c) of P.D.P.P. Act , seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.48/2005 before the JFCM, Payyannur, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the JFCM, Payyannur and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of on merits, preferably, on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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